

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------|---|------------------------|----------------|
| Applicant: | TYAGI et al. | Examiner: | Unknown |
| Serial No.: | 10/560,605 | Group Art Unit: | Unknown |
| Filed: | 13 December 2005 | Docket: | 11378.0066USWO |
| Confirmation No.: | 9160 | Notice of Allow. Date: | N/A |
| Due Date: | 23 May 2006 | | |
| Title: | MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF | | |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841296222 US
Date of Deposit: 2 May 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: 
Name: John Junkers

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Requirements Under 35 U.S.C. 371
- ☒ **Please charge the deposit account no. 13-275 in the amount of \$130.00 for Submission of Missing Requirements**
- ☒ Computer readable form of Sequence Listing, Communication Regarding Response to Notice of Missing Requirements. Applicants state that the paper copy form of the Sequence Listing section of the present application, and the computer readable form submitted herewith, are the same.
- ☒ Other: Communication Regarding Combined Declaration and Power of Attorney
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Garen J. Gotfredson
Reg. No.: 44,722
GJG/cjc

05/08/2006 HKAYPAGH 00000079 132725 10560605
01 FC:1617 130.00 DA

S/N 10/560,605

PATENT

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By: 

Name: John Junkers

AMENDMENT AND RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

This paper is being filed in response to the Examiner's communication mailed March 23, 2006. In response to the Notice to Comply and in accordance with the requirements of 37 C.F.R. § 1.821 - § 1.825, Applicants enclose herewith a computer readable form of the Sequence Listing. In addition, a paper copy of the Sequence Listing is also provided. Please amend the specification to insert the paper copy of the Sequence Listing after the Abstract in accordance with 37 CFR 1.77(b)(11). Applicants hereby state that the computer readable form and the paper copy of the Sequence Listing enclosed are the same and do not include new matter. Pursuant to the Examiner's request, also enclosed is a copy of the Notice to Comply with the sequence listing rules.


Respectfully submitted,

23552

PATENT TRADEMARK OFFICE

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 2 May 2006

By: 

Garen J. Gotfredson
Reg. No. 44,722

GJG/cjc



UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/560,605 | Anil Kumar Tyagi | 11378.0066USWO✓ |

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|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/IN04/00203

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|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

07/09/2004

07/09/2003

23552

MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

Miss Req 2 Mo: May 23, 2006

Miss Req 3/PTA: June 23, 2006

Miss Req STAT: September 23, 2006

Date Mailed: 03/23/2006

GJG

CONFIRMATION NO. 9160

371 FORMALITIES LETTER



OC000000018337396

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/13/2005
- Copy of the International Search Report filed on 12/13/2005
- Copy of IPE Report filed on 12/13/2005
- Copy of Annexes to the IPER filed on 12/13/2005
- Preliminary Amendments filed on 12/13/2005
- Oath or Declaration filed on 12/13/2005
- Biochemical Sequence Listing filed on 12/13/2005
- Request for Immediate Examination filed on 12/13/2005
- U.S. Basic National Fees filed on 12/13/2005
- Priority Documents filed on 12/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/560,605 | PCT/IN04/00203 | 11378.0066USWO |

FORM PCT/DO/EO/905 (371 Formalities Notice)

S/N 10/560,605

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | TYAGI et al. | Examiner: | Unknown |
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CERTIFICATE UNDER 37 CFR 1.10:

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By: 

Name: John Junkers

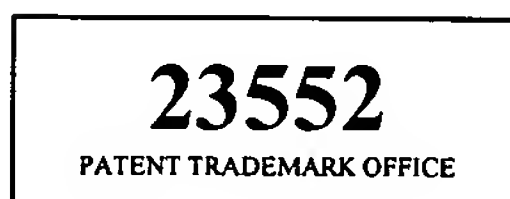
COMMUNICATION REGARDING COMBINED DECLARATION AND POWER
OF ATTORNEY

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

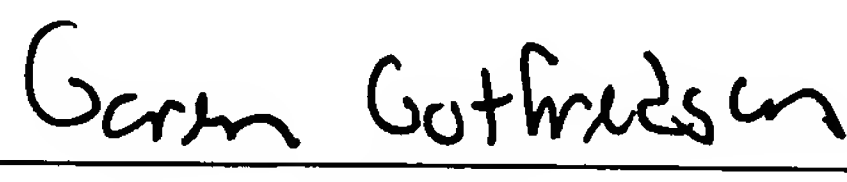
In connection with the above-identified application, applicants assert that the Combined Declaration and Power of Attorney was submitted on 23 March 2006. A photo copy of the Express Mail label and post card are enclosed as evidence that the USPTO received the declaration on 23 March 2006. However, please charge the deposit account no. 13-2725 for the amount of \$130.00 to cover the required fee for the Missing Requirements completion fee.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 2 May 2006

By 
Garen J. Gotfredson
Reg. No. 44,722

GJG/cjc

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Label 11-F, April 2004

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| Mo. Day Year 3 23 06 | Scheduled Time of Delivery <input type="checkbox"/> Noon <input checked="" type="checkbox"/> 3 PM | COD Fee Insurance Fee \$ \$ | Delivery Attempt | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Time Accepted 6:51 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Total Postage & Fees \$ 14.40 | Mo. Day | | |
| Flat Rate <input checked="" type="checkbox"/> or Weight | Int'l Alpha Country Code | Acceptance Emp. Initials 1127 | Delivery Date MAR 28 2006 | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
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| FROM: (PLEASE PRINT) MERCHANT & GOULD 80 S 8TH ST STE 3200 MINNEAPOLIS MN 55402-5336 11378.00100USWO 63679C | | | TO: (PLEASE PRINT) MAIL STOP PCT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 | | |
| FOR PICKUP OR TRACKING: Visit WWW.USPS.COM or Call 1-800-222-1811 | | | | | |

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: TYAGI et al.

For: MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF

Docket No.: 11378.0066USWO

Serial No.: 10/560,605

Filed: 13 December 2005

Due Date: N/A

Express Mail No.: EV 628409940 US

Date Mailed: **23** March 2006

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Other: Communication Regarding Submission of Declaration
- ☒ Return postcard

Patent

11378.00100USWO
Rec'd PCT/PTO 23 MAR 2006

GJG/cjc